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Fax Transmittal

December 23, 2005

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Board of Patent Appeals and Interferences Attn: Dianne Maggard	(571) 273-0299	
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David R. Marsh	(202) 942-5068	982
CLIENT/MATTER NUMBER	TIMEKEEPER NUMBER	NUMBER OF PAGE(S)
16517.310	4979	We are transmitting 3 page(s) (including this cover sheet)
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MESSAGE		

Re: U.S. Patent Appln. Ser. No. 09/960,481 filed September 24, 2001

Conf. No. 6590

Title: Nucleic Acid Molecules and Other Molecules Associated with Plants

Inventors: Joseph R. BYRUM *et al.*

Atty. Docket: 16517.310

Please see the attached Express Abandonment under 37 CFR § 1.138(a) for the above-identified application.

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December 23, 2005

VIA FACSIMILE

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Confirmation No. 8885

Re: U.S. Patent Application Serial No. 09/960,481 filed September 24, 2001
Inventors: Joseph R. BYRUM *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Atty. Dkt.: 16517.310

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office is an Express Abandonment under 37 C.F.R. § 1.138(a). This letter and its attachment are being sent via facsimile to the attention of the Board of Patent Appeals and Interferences.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Appellants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docketing number 16517.310.

Sincerely,



David R. Marsh (Reg. No. 41,408)
By Thomas E. Holsten (Reg. No. 46,098)

Attachment

I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the US PTO to the attention of the Board of Patent Appeals and Interferences via facsimile number (371-273-6399).

December 23, 2005
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Confirmation No.: 6590
Joseph R. BYRUM <i>et al.</i>	Art Unit: 1631
Appln. No.: 09/960,481	Examiner: M.L. Borin
Filed: September 24, 2001	Atty. Docket: 16517.310
For: Nucleic Acid Molecules and Other Molecules Associated with Plants	

Express Abandonment Under 37 C.F.R. § 1.138(a)

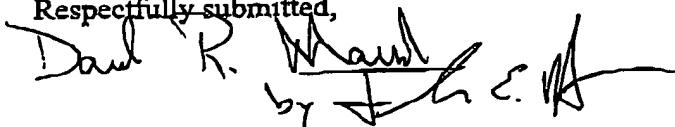
Mail Stop Express Abandonment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicants hereby expressly abandon U.S. Application Serial No. 09/960,481 under 37 C.F.R. § 1.138(a) in view of a continuing application filed on December 22, 2005.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below. The undersigned is an attorney of record and therefore has authority to expressly abandon the above-captioned U.S. application in favor of a continuing application filed on December 22, 2005.

Respectfully submitted,



David R. Marsh, Reg. No. 41,408
 By Thomas E. Holsten (Reg. No. 46,098)
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Filed: December 23, 2005

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I hereby certify that the foregoing Express Abandonment under 37 C.P.R. § 1.138(a) is being facsimile transmitted to the U.S. Patent and Trademark Office to the attention of the Board of Patent Appeals and Interferences via facsimile number (571) 273-0299.

Sandra Tarizel

December 23, 2005
 Date